

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

---

SIDNEY H.,

Plaintiff,

v.

No. 3:20-CV-750  
(CFH)

ANDREW SAUL,  
Commissioner of Social Security,

Defendant.

---

**APPEARANCES:**

Lachman, Gorton Law Firm  
P.O. Box 89  
1500 East Main Street  
Endicott, New York 13761-0089  
Attorneys for plaintiff

Social Security Administration  
Office of the General Counsel,  
J.F.K. Federal Building, Room 625  
15 New Sudbury Street  
Boston, Massachusetts 02203  
Attorney for defendant

**OF COUNSEL:**

PETER A. GORTON, ESQ.

SEAN SANTEN, ESQ.  
Special Assistant U.S. Attorney

**CHRISTIAN F. HUMMEL  
U.S. MAGISTRATE JUDGE**

**ORDER<sup>1</sup>**

Currently pending before the Court in this action, in which plaintiff seeks judicial review of an adverse administrative determination by the Commissioner of Social Security, pursuant to 42 U.S.C. § 405(g), are cross-motions for judgment on the

---

<sup>1</sup> This matter, which is before me on consent of the parties, pursuant to 28 U.S.C. § 636(c), has been treated in accordance with the procedures set forth in General Order No. 18. Under that General Order, once issue has been joined, an action such as this is considered procedurally as if cross-motions for judgment on the pleadings had been filed pursuant to Rule 12(c) of the Federal Rules of Civil Procedure.

C  
F  
H  
pleadings. Dkt. Nos. 11, 14. Oral argument was conducted in connection with these motions on the record on June 22, 2021. At the close of the argument, I issued a bench decision in which, after applying the requisite deferential review standard, I found that the administrative law judge's decision was not supported by substantial evidence, providing further detail regarding my reasoning and addressing the specific issues raised by plaintiff in the appeal.

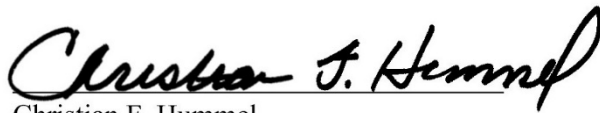
After due deliberation, and based upon the Court's oral bench decision, which has been transcribed, and is attached to this order and incorporated herein by reference, it is hereby

**ORDERED** that:

1. Plaintiff's motion for judgment on the pleadings (Dkt. No. 11) is **GRANTED** to the extent that this matter is **REMANDED** to the Commissioner for further proceedings consistent with this decision; and
2. Defendant's motion for judgment on the pleadings (Dkt. No. 14) is **DENIED**.

**IT IS SO ORDERED.**

Dated: June 23, 2021  
Albany, New York

  
Christian F. Hummel  
U.S. Magistrate Judge